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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91182259
Party	Defendant Dutreix-Moomau, Danielle
Correspondence Address	Erik M. Pelton Erik M. Pelton & Associates, PLLC PO Box 100637 Arlington, VA 22210 UNITED STATES emp@tm4smallbiz.com
Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	11/18/2008
Attachments	MY SAFE FOODHANDLER - Answer to 1st Amended Notice.pdf (3 pages) (65760 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Foodhandler, Inc.,)	
Opposer,)	Opposition No. 91182259
v.)	Application. Serial No. 77207747
Danielle Dutreix-Moomau,)	Mark:
Applicant.)	

ANSWER TO 1st AMENDED NOTICE OF OPPOSITION

The following is the Answer of Applicant Danielle Dutreix-Moomau (“Applicant”), owner of Federal Trademark Application Serial No. 77207747 for the mark MY SAFE FOODHANDLER & Design depicted above (hereinafter “Applicants’ design mark”), by and through Counsel, Erik M. Pelton & Associates, PLLC, to the 1st Amended Notice of Opposition filed and served on November 11, 2008 by Foodhandler, Inc. (hereinafter “Opposer”), in Opposition No. 91182259.

Applicants hereby respond, solely for the purpose of this proceeding, to each of the grounds set forth in the 1st Amended Notice of Opposition, as follows:

1. Admitted to the extent that the records of the U.S. Patent and Trademark Office substantiate the facts claimed.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition. The records of the U.S. Patent and Trademark Office do not necessarily indicate the current owner of the registration or the mark.

3. Admitted to the extent that the records of the U.S. Patent and Trademark Office substantiate the facts claimed.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition regarding Opposer's ownership of Registration No. 2141694 and regarding Opposer's allegation of "substantial and continuous use" of its mark in the field of food safety.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition.

6. Denied. The marks are different and not likely to be confused; furthermore, Opposer's mark and the material common between the marks is weak and descriptive.

7. Denied.

8. Admitted.

Applicant further incorporates by reference the statements and defenses asserted in Answer filed on April 28, 2008.

WHEREFORE, Applicants pray that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicants' proposed mark in Application Serial Number 77207747 in the United States Patent and Trademark Office.

Respectfully Submitted,

By:  _____

Erik M. Pelton

Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Answer to 1st Amended Notice of Opposition was deposited as First Class mail with the United States Postal Service on November 18, 2008, to Counsel for Opposer at the following address:

Alexa L. Lewis
Mitchell, Silberberg & Knupp LLP
11377 W. Olympic Boulevard
Los Angeles, CA 90064

By: _____


Erik M. Pelton, Esq.